



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS

NOV 21 1985

Dr. John P. Ragsdale
President
United Wesleyan College
1414 East Cedar Street
Allentown, Pennsylvania 18103

Dear President Ragsdale:

This is to inform you of my decision regarding your request for a religious exemption to the regulation implementing Title IX of the Education Amendments of 1972. You filed this additional request after receiving a letter from this office dated June 18, 1985, that granted United Wesleyan College a religious exemption to 34 C.F.R. §§ 106.21(c), 106.40(a) and (b), and 106.57.

In your letter of October 28, 1985, you stated, in reference to 34 C.F.R. § 106.61 (sex as a bona-fide occupational qualification), that "the standards for its educational institutions adopted by The Wesleyan Church require that the occupancy and supervision of dormitories must be separated according to sex." Generally, § 106.61 is not applicable to dormitory supervisory positions since the consideration of an employee's sex is not essential to the successful operation of the employment function. Thus, a practice such as hiring only women as supervisors in women's dormitories would violate certain sections of the regulation implementing Title IX (copy enclosed) absent a religious exemption.

United Wesleyan College has provided information in previous correspondence that establishes that the institution is controlled by a religious organization and that tenets followed by this organization conflict with specific sections of the Title IX regulation. Therefore, I am granting United Wesleyan College an exemption to those sections of the Title IX regulation appropriate to your request letter of October 28, 1985. The exemption is limited to the extent that compliance with the Title IX regulation conflicts with the religious tenets followed by the institution. United Wesleyan College is hereby exempted from the requirements of the following sections of the Title IX regulation: 34 C.F.R. §§ 106.51 (employment) and 106.53 (recruitment of employees), regarding the employment and recruitment of employees for positions as dormitory supervisors. These sections more accurately address the practice for which you have requested exemption than does § 106.61.

This letter should not be construed to grant exemption from any section of the Title IX regulation not specifically mentioned. In the event that OCR receives a complaint against your institution, we are obligated to determine initially whether the allegations fall within the exemption herein granted. Also, in the unlikely event that a complainant alleges that the practices followed by the institution are not based on the religious tenets of the controlling organization, OCR is obligated to contact the controlling

organization to verify those tenets. If the organization provides an interpretation of tenets that has a different practical impact than that described by the institution, or if the organization denies that it controls the institution, this exemption will be rescinded.

I hope this letter responds fully to your request. If you have any questions, please do not hesitate to contact the Philadelphia Regional Office for Civil Rights. The address is:

Ronald Gilliam
Acting Regional Civil Rights Director
Office for Civil Rights, Region III
Department of Education
Gateway Building, 6th Floor
3535 Market Street
Philadelphia, Pennsylvania 19104

Sincerely,


Harry M. Singleton
Assistant Secretary
for Civil Rights

Enclosure

cc: Ronald Gilliam, Acting Regional Civil Rights Director, Region III